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July 6, 2010

By ECF

The Honorable Sandra L. Townes
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Thomas, et al. v. NYC Dep't of Education, et al.
Docket No. 09 Civ. 5167 (SLT)(RLM)

Dear Judge Townes:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the defendants in the above-referenced matter. On April 30, 2010, defendants served their motion to dismiss the complaint. Thereafter, at plaintiffs' request, the Court extended plaintiffs' time to serve opposition papers to June 28th, with defendants' reply due July 12th.

On June 28th, though not required by the Court, plaintiff's attorney filed a certification attesting to service of plaintiffs' opposition papers on that date. See Docket, Document No. 50. Notwithstanding that representation, I still have not received plaintiffs' opposition papers.

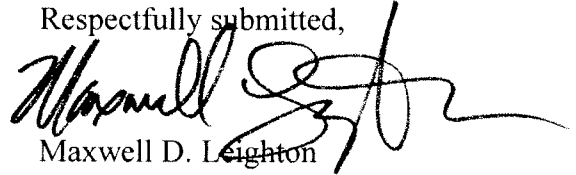
On Friday, July 2nd, I sent plaintiffs' counsel two e-mails. The first requested her consent to an extension request due to the fact that this office has not received her opposition papers. In a second e-mail later that day, I asked plaintiffs' counsel to e-mail the papers to me so that I could begin working on defendants' response. Plaintiffs' counsel has not responded to either of those e-mails and has not forwarded a copy of her opposition papers.

Accordingly, as defendants' reply is due on July 12th and as I will be out of the office on July 7th and 8th, I respectfully request that the Court (1) direct plaintiff to e-mail or

hand-deliver her papers to me immediately; and (2) grant defendants a three-week extension of time, to August 2nd, to serve defendants' reply and file all motion papers with the Court.¹

I thank the Court for its consideration of this matter.

Respectfully submitted,



Maxwell D. Leighton
Assistant Corporation Counsel

cc: Joy Hochstadt, Esq. (by ECF)

¹ My pre-existing caseload and schedule, which includes numerous depositions, necessitates this three-week enlargement of time, which will be sufficient, provided that plaintiffs' opposition papers are received this week.